

**Commonwealth of Massachusetts**

FILED  
CLERK'S OFFICE

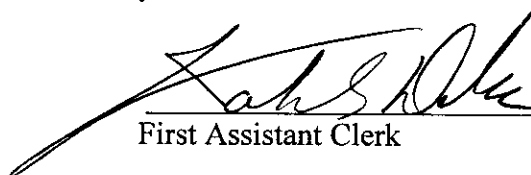
BARNSTABLE, ss.

2004 SEP 24 P 1:20  
SUPERIOR COURT

U.S. DISTRICT COURT  
DISTRICT OF MASS. No. 04-401

I, John S. Dale, First Assistant Clerk of the Superior Court within and for said County of Barnstable, having, by law, the custody of the seal and all the records, books, documents and papers of, or appertaining to said Court, hereby certify that the papers hereto annexed are true copies of the papers appertaining to said Court, and on file and of record in the Office of said Court, relating to the case of MARTIN J. GALVIN, JR, Ed. D. vs. TOWN OF YARMOUTH et al., case #04-401

In witness whereof, I have hereunto set my hand and the seal of said Court, this twentieth day of September in the year of our Lord two thousand four.

  
First Assistant Clerk

Commonwealth of Massachusetts  
BARNSTABLE SUPERIOR COURT  
Case Summary  
Civil Docket

09/20/2004  
03:05 PM

**BACV2004-00401**  
**Galvin Jr EdD v Yarmouth et al**

<b>File Date</b>	07/07/2004	<b>Status</b>	Disposed: transfered to other court (dtrans)
<b>Status Date</b>	09/20/2004	<b>Session</b>	A - Civil A- Barnstable Superior Court
<b>Origin</b>	1	<b>Case Type</b>	E17 - Civil Rights Act (12.011H-1)
<b>Lead Case</b>		<b>Track</b>	A

<b>Service</b>	10/05/2004	<b>Answer</b>	12/04/2004	<b>Rule 12/19/20</b>	12/04/2004
<b>Rule 15</b>	09/30/2005	<b>Discovery</b>	08/26/2006	<b>Rule 56</b>	10/25/2006
<b>Final PTC</b>	02/22/2007	<b>Disposition</b>	07/07/2007	<b>Jury Trial</b>	Yes

**PARTIES**

**Plaintiff**

Martin J Galvin Jr EdD  
21 Coniston Ave  
Waterbury, CT 06708  
Active 07/07/2004

**Private Counsel 638265**

Matthew P Zayotti  
Keegan Werlin & Pabian  
265 Franklin Street  
Boston, MA 02110-3113  
Phone: 617-951-1400  
Fax: 617-951-1354  
Active 07/07/2004 Notify

**Defendant**

Town of Yarmouth  
Served: 08/19/2004  
Served (answr pending) 09/01/2004

**Private Counsel 542042**

Leonard H Kesten  
Brody Hardoon Perkins & Kesten  
1 Exeter Plaza  
12th floor  
Boston, MA 02116  
Phone: 617-880-7100  
Fax: 617-880-7171  
Active 09/16/2004 Notify

**Defendant**

Town of Yarmouth Chief of Police  
Served: 08/24/2004  
Served (answr pending) 08/26/2004

\*\*\* See Attorney Information Above \*\*\*

**Defendant**

Lieutenant in Yarmouth Police Department  
Steven G. Xiarhos  
Served: 08/24/2004  
Served (answr pending) 08/26/2004

\*\*\* See Attorney Information Above \*\*\*

Date	Paper	Text
07/07/2004		Filing fee paid in the amount of \$275.00 including \$20.00 security fee.

Commonwealth of Massachusetts  
BARNSTABLE SUPERIOR COURT  
Case Summary  
Civil Docket

09/20/2004  
03:05 PM

**BACV2004-00401**  
**Galvin Jr EdD v Yarmouth et al**

Date	Paper	Text
07/07/2004	1.0	COMPLAINT with jury claim & civil action cover sheet filed
07/07/2004		Origin 1, Type E17, Track A.
08/26/2004	2.0	SERVICE RETURNED (2): Defendants, Town of Yarmouth Chief of Police and Lieutenant of Yarmouth Police Department made on August 24, 2004
09/01/2004	3.0	AFFIDAVIT: Plaintiff's of service as to deft., Town of Yarmouth, with service made on August 19, 2004 and signed for on August 20, 2004
09/15/2004	4.0	NOTICE: Defendants' of removal to United States District Court for the District of Massachusetts
09/20/2004		Case REMOVED this date to US District Court of Massachusetts (Papers 1-4)

Date	Session	Event	Result
09/16/2004	Civil A- Barnstable Superior Court	Status: administrative TC to Atty. Kesten's office re removal. Need check for \$40.50 for removal	Event held as scheduled
09/30/2004	Civil A- Barnstable Superior Court	Status: Clerk Follow UP Check for removal should be rec'd prior to this date	Event canceled not re-scheduled
07/07/2005	Civil A- Barnstable Superior Court	Status: Clerk Follow UP Anniversary date	Event canceled not re-scheduled



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED SEP 15 2004

CIVIL ACTION NO. 04-401

RECEIPT # \_\_\_\_\_  
AMOUNT \$ 150  
SUMMONS ISSUED \_\_\_\_\_  
LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
BY DPTY. CLK. [Signature]  
DATE 9-9-04

CALVIN, JR., ED.D.,

Plaintiff

VS.

THE TOWN OF YARMOUTH,  
PETER L. CARNES AND STEVEN XIARHOS  
Defendants

04-11958 RGS

MAGISTRATE JUDGE [Signature]

DEFENDANTS' NOTICE OF REMOVAL OF ACTION FROM STATE COURT

Pursuant to 28 U.S.C. §1441, defendants petition for removal of this action to the United States District Court for the District of Massachusetts. As grounds therefore, the defendants state as follows:

1. On or about July 6, 2004, the plaintiff filed this suit in the Barnstable Superior Court, Civil Action No. 04-401.
2. On August 23, 2004, the plaintiff's complaint was served upon the defendants. Attached as Exhibit A is a copy of the plaintiff's complaint.
3. This Court has original jurisdiction of this action because the plaintiff and the defendants are citizens of different states, as authorized by 28 U.S.C. §1332 and it is subject to removal under 28 U.S.C. §1441.
4. This Notice of Removal is being filed within the time period required by law, 28 U.S.C. §1446(b).

Respectfully submitted,

DEFENDANTS,  
By their attorneys,

Leonard H. Kesten

Leonard H. Kesten, BBO No. 542042  
BRODY, HARDOON, PERKINS & KESTEN, LLP  
One Exeter Plaza  
Boston, MA 02116  
(617) 880-7100

Dated: September 8, 2004

I hereby certify that a true copy of the above document was served upon (each party appearing pro se and) the attorney of record for each (other) party by mail (by hand) on 9/18/04

Leonard H. Kesten

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 04-401

MARTIN J. GALVIN

Plaintiff

VS.


THE TOWN OF YARMOUTH,  
PETER L. CARNES AND STEVEN XIARHOS  
Defendants

**WRITTEN NOTICE OF REMOVAL TO  
FEDERAL COURT PURSUANT TO 28 U.S.C. §1446(d)**

A Notice of Removal of the above-captioned action from the Superior Court of the Commonwealth of Massachusetts, Barnstable County, to the United States District Court for the District of Massachusetts was duly filed on September 9, 2004, in the United States District Court for the District of Massachusetts. A copy of the Notice of Removal, certified by the United States District Court for the District of Massachusetts, having been duly filed with the Clerk for the Superior Court of the Commonwealth of Massachusetts, Barnstable County, in accordance with 28 U.S.C. §1446(d), the Superior Court shall proceed no further herein unless and until the case is remanded.

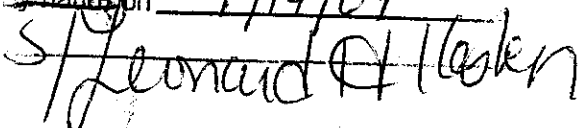
Respectfully submitted,

DEFENDANTS,  
By their attorneys,

  
Leonard H. Kesten, BBO No. 542042  
BRODY, HARDOON, PERKINS & KESTEN, LLP  
One Exeter Plaza  
Boston, MA 02116  
(617) 880-7100

Dated: September 14, 2004

hereby certify that a true copy of the  
above document was served upon (each  
party appearing pro se and) the attorneys  
of record for each (other) party by me  
on 9/14/04





<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S) <b>04-401</b>	Trial Court of Massachusetts Superior Court Department County: _____
PLAINTIFF(S) <b>Martin J. Galvin</b>		DEFENDANT(S) <b>Town of Yarmouth, Peter L. Carnes, and Steven Xiarhos</b>
COUNSEL, FIRM NAME, ADDRESS AND TELEPHONE <b>Matthew P. Zayotti, LLP 165 Franklin St. (Tel.: 617-951-1400) Boston, MA 02110 38265</b>		ATTORNEY (if known) <b>SUPERIOR COURT BARNSTABLE SS FILED JUL 0 0 2004</b>
Origin code and track designation Place an x in one box only: <input type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Re-transfer to Sup.Ct. C.231,s.102C (X) <input type="checkbox"/> 4. F04 District Court Appeals (after trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript, relief from judgment/Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)		
CODE NO.	TYPE OF ACTION (specify)	TRACK IS THIS A JURY CASE?
<b>R17</b>	<b>Civil Rights</b>	(A) (X) Yes ( ) No
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine nonjury damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (Attach additional sheets as necessary)		
Documented medical expenses to date:		
1. Total hospital expenses		\$
2. Total doctor expenses		\$
3. Total chiropractic expenses		\$
4. Total physical therapy expenses		\$
5. Total other expenses (describe)		\$
		Subtotal \$
Documented lost wages and compensation to date		
Documented property damages to date		
Reasonably anticipated future medical and hospital expenses		
Reasonably anticipated lost wages		
Other documented items of damages (describe)		
Brief description of plaintiff's injury, including nature and extent of injury (describe) The Defendants wrongfully disseminated Plaintiff's criminal offender records information in violation of his civil rights, causing the Plaintiff to lose his employment, and causing him severe emotional distress.		
		\$ 150,000 TOTAL \$ 150,000
CONTRACT CLAIMS (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		
		TOTAL \$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."		
Signature of Attorney of Record <i>Matthew P. Zayotti</i>		DATE: <i>7/6/04</i>

NOTICE: 6/1/04  
U.S.C. 1300

B-20-0411160-0

## COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

TRIAL COURT OF THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
Civil Action No.

MARTIN J. GALVIN, JR., ED.D.,

Plaintiff,

vs.

THE TOWN OF YARMOUTH, PETER  
L. CARNES AND STEVEN XIARHOS,

Defendants.

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YARMOUTH  
TOWN CLERK

## COMPLAINT

INTRODUCTION

1. In this action the Plaintiff Martin J. Galvin, Jr., Ed.D seeks to recover damages against the Defendants, Town of Yarmouth, Peter L. Carnes and Steven Xiarhos, for wrongful dissemination of Plaintiff's Criminal Offender Records Information ("CORI") in violation of Mass. Gen. L. ch. 6, § 172, violation of the Plaintiff's civil rights under Mass. Gen. L. ch. 12, §§ 111I and 111, invasion of privacy in violation of Mass. Gen. L. ch. 214, § 1B, tortious interference with contractual relations and intentional and negligent infliction of emotional distress.

PARTIES

2. Plaintiff Martin J. Galvin, Jr. Ed.D. is an individual residing at 21 Coniston Avenue, Waterbury, Connecticut 06708.



3. The Defendant Town of Yarmouth is a municipal corporation located in Barnstable County, Massachusetts.

4. The Defendant Peter L. Carnes ("Carnes") is an individual and, at all times relevant, was the Chief of Police of the Yarmouth Police Department. Upon information and belief, Carnes resides in Barnstable County, Massachusetts.

5. The Defendant Steven G. Xiarhos ("Xiarhos") is an individual and, at all times relevant, was a Lieutenant in the Yarmouth Police Department. Upon information and belief, Xiarhos resides in Barnstable County, Massachusetts.

#### JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to Mass. Gen. L. ch. 212, § 4 which provides this Court general subject matter jurisdiction over all civil actions and pursuant to Mass. Gen. L. ch. 12, §§ 11H and 11I as this action involves a claims for violation of the Plaintiff's civil rights.

7. Venue is proper pursuant to Mass. Gen. L. ch. 223, § 1 because the Defendants have a usual place of business and or reside, and the conduct complained of occurred, in this county.

#### FACTS

8. On July 4, 2001, at approximately 8:00 p.m., Yarmouth Police Officers T. Hennessey and D. Dickey responded to the scene of a verbal altercation between off-duty Yarmouth Police Officer Lou Nicknello and Dr. Galvin.

9. Upon arriving at the scene, Officers Hennessey and Dickey took Dr. Galvin into protective custody for intoxication and for allegedly making threats to cause damage to property.

10. On July 5, 2001, at approximately 9:00 a.m., the Yarmouth Police Department released Dr. Galvin.

11. On Monday, July 9, 2001, Dr. Galvin returned to work in his position of employment with the Waterbury Public Schools, in Waterbury, Connecticut, as Principal of Wilby High School.

12. Shortly thereafter, Dr. Galvin received written notice from his employer by letter dated July 10, 2001, that the Yarmouth Police Department had reported the incident to his employer.

13. Dr. Galvin subsequently learned during his divorce proceedings that the Defendants had actually disseminated the Yarmouth Police report, which constitutes and includes criminal offender records information ("CORI"), to his employer.

14. Upon information and belief, the Yarmouth Police Department also disseminated the Police Report to Dr. Galvin's ex-wife, or her attorney, in connection with the divorce proceedings.

15. During the divorce proceedings, Dr. Galvin's ex-wife introduced the confidential report in the divorce proceedings in support of her claim that Dr. Galvin was responsible for the break-down of the marriage.

16. In so doing, Dr. Galvin's ex-wife provided Dr. Galvin with a copy of the confidential report, which included a fax cover sheet indicating that the Town of Yarmouth Chief of Police Peter L. Carnes and Lieutenant Steven G. Xiarhos had actually faxed the report to his employer.

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TOWN OF YARMOUTH  
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17. As a result of the Police Report and the CORI contained therein, Dr. Galvin's ex-wife was able to obtain a far more favorable divorce decree with respect to the division of property and alimony than she would otherwise have been able to obtain.

18. The Police Report and the CORI contained therein influenced the Waterbury Public Schools to terminate Dr. Galvin as Principal of Wilby High School, and Dr. Galvin was subsequently reassigned to a position of employment in the Waterbury Adult Continuing Education department.

19. The attention in the media surrounding Dr. Galvin's termination, which was widely reported both in local newspapers and on television, caused Dr. Galvin to experience severe emotional distress, including but not limited to embarrassment, depression, anguish, shame, and loss of sleep.

COUNT I  
(Wrongful Dissemination of CORI)

20. Plaintiff repeats the allegations contained in paragraphs 1 through 19 of this complaint as if fully set forth herein.

21. Pursuant to Mass. Gen. L. ch. 6, § 172, the CORI may be disseminated "only to (a) criminal justice agencies; (b) such other agencies and individuals required to have access to such information by statute . . . ; and (c) any other agencies and individuals where it has been determined [by the criminal history systems board (board)], that the public interest in disseminating such information to these parties clearly outweighs the interest in security and privacy."

22. Pursuant to Mass. Gen. L. ch. 6, § 167, CORI is defined as "records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an

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arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release."

23. In disseminating the Police Report and the information contained therein, the Defendants disseminated CORI in violation of Mass. Gen. L. ch. 6, § 172.

24. As a result of Defendants' actions, the Plaintiff suffered damages.

COUNT II  
(Mass. Gen. L. ch. 12, §§ 11H and 11I)

25. The Plaintiff repeats the allegations contained in paragraphs 1 through 24 of this complaint as if fully set forth herein.

26. The Defendants have interfered with and attempted to interfere with the exercise or enjoyment by the Plaintiff of rights secured by the Constitution and laws of the United States, and of rights secured by the Declaration of Rights and laws of the Commonwealth of Massachusetts by means of threats, intimidation or coercion.

27. As a result of the Defendants' actions, the Plaintiff suffered damages.

COUNT III  
(Invasion of Privacy)

28. The Plaintiff repeats the allegations contained in paragraphs 1 through 27 of this complaint as if fully set forth herein.

29. Pursuant to Mass. Gen. L. ch. 214, § 1B, the Plaintiff had a "right against unreasonable, substantial or serious interference with his privacy."

30. The Defendants' dissemination of the Police Report and the information contained therein constituted an unreasonable, substantial or serious interference with Plaintiff's privacy in violation of Mass. Gen. L. ch. 214, § 1B.

31. As a result of Defendants' conduct, the Plaintiff has suffered damages.

**COUNT IV****(Tortious Interference with Contractual Relations)**

32. The Plaintiff repeats the allegations contained in paragraphs 1 through 31 of this complaint as if fully set forth herein.

33. The Plaintiff had existing contractual relations with his employer the Water Public Schools.

34. The Defendants knew or should have known of the contractual relations between the Plaintiff and his employer.

35. The Defendants intentionally and improperly interfered with Plaintiff's contractual relations with his employer.

36. As a direct result of the Defendants' interference with Plaintiff's contractual relations with his employer, the Plaintiff suffered damages, humiliation and severe emotional distress.

**COUNT V****(Intentional Infliction of Emotional Distress)**

37. The Plaintiff repeats the allegations contained in paragraphs 1 through 36 of this complaint as if fully set forth herein.

38. By the acts described above, Defendants intended to inflict emotional distress upon the Plaintiff or should have known that emotional distress was the likely result of their conduct.

39. Such conduct on the part of Defendants constitutes extreme and outrageous conduct which resulted in severe emotional distress to the Plaintiff.

40. The Defendants' actions were the cause of Plaintiff's emotional distress.

**COUNT VI****(Negligent Infliction of Emotional Distress)**

41. The Plaintiff repeats the allegations contained in paragraphs 1 through 40 of this complaint as if fully set forth herein.

42. By the acts described above, the Defendants negligently inflicted emotional distress upon the Plaintiff.

43. Such conduct on the part of the Defendants was the cause of Plaintiff's emotional distress.

44. The emotional distress to the Plaintiff was the foreseeable result of the Defendants' conduct, and a reasonable person in similar circumstances would have suffered severe emotional distress as a result of Defendants' actions.

WHEREFORE, the Plaintiff prays that this Court:

1. Enter judgment in favor of the Plaintiff in an amount to be determined after trial, including an award of damages, punitive and exemplary damages, interest, costs and reasonable attorneys' fees; and
2. Enter judgment in favor of the Plaintiff for such other and further relief as this Court deems just and proper.

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JUN 23 PM 2:49  
TOWN OF  
WYOMING

THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO  
TRIABLE.

MARTIN J. GALVIN, JR., ED.D.

By his attorney,



Matthew P. Zayotti, BBO #638265  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, Massachusetts 02110-3113  
(617) 951-1400

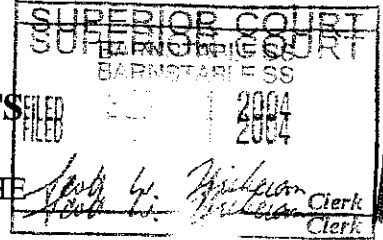
Dated: July 6, 2004

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JUL 23 PM 2:49  
TOWN CLERK

**COMMONWEALTH OF MASSACHUSETTS**

BARNSTABLE, SS

TRIAL COURT OF THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
Civil Action No. 04-401



**MARTIN J. GALVIN, JR., ED.D.,**

**Plaintiff,**

**vs.**

**THE TOWN OF YARMOUTH, PETER  
L. CARNES AND STEVEN XIARHOS,**

**Defendants.**

#3

**AFFIDAVIT OF SERVICE**

I, Matthew P. Zayotti, Esq., do hereby certify state and depose as follows:

1. I am an associate with the law firm Keegan, Werlin & Pabian, LLP.
2. I am presently, and since 1997, I have been, an attorney in good standing of the bar of the Commonwealth of Massachusetts.
3. I represent the Plaintiff, Martin J. Galvin, Jr., Ed.D., in connection with the above-captioned matter.
4. On August 19, 2004, I caused a letter and copies of a Summons, Civil Action Cover Sheet, Complaint and Tracking Order, true and accurate copies of which are attached hereto as Exhibit A, to be served upon the Town of Yarmouth pursuant to Mass. R. Civ. P. 4(d)(4) by mailing the same to the treasurer or the clerk thereof by certified mail, return receipt requested as follows:



Town Clerk or Treasurer  
Yarmouth Town Hall  
1146 Rout 28  
South Yarmouth, Massachusetts 02664-4492

5. Attached hereto as Exhibit B is the original Domestic Return Receipt, evidencing delivery of the items described in paragraph 4 hereof to the Town Clerk or Treasurer of Yarmouth.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS

30<sup>th</sup>

DAY OF AUGUST, 2004.

Matthew J. Fayetti

Exhibit H

KEEGAN, WERLIN & PABIAN, LLP

ATTORNEYS AT LAW  
265 FRANKLIN STREET  
BOSTON, MASSACHUSETTS 02110-3113

(617) 951-1400

TELECOPIERS:  
(617) 951-1354  
(617) 951-0586

July 6, 2004

VIA OPTIMA

Civil Clerk's Office  
Barnstable Superior Court  
3195 Main Street  
Barnstable, Massachusetts 02630

Re: Martin J. Galvin, Ed.D. v. Town of Yarmouth, et al.

Dear Sir or Madam:

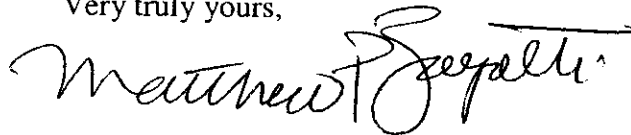
In connection with the above-referenced matter, enclosed please find the following:

1. Civil Action Cover Sheet;
2. Complaint; and
3. Check in the amount of \$290.

Kindly stamp the date and docket number on the enclosed copy of the complaint and send the same back to me along with three (3) summonses in the enclosed self-addressed, postage prepaid envelope.

Thank you for your assistance with this matter.

Very truly yours,



Matthew P. Zayotti

Enclosures

<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S)	<b>Trial Court of Massachusetts Superior Court Department</b> County: _____
PLAINTIFF(S) <b>Martin J. Galvin</b>		DEFENDANT(S) <b>Town of Yarmouth, Peter L. Carnes, and Steven Xiarhos</b>
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <b>Matthew P. Zayotti, KWP, LLP</b> <b>265 Franklin St. (Tel.: 617-951-1400)</b> <b>Boston, MA 02110 38265</b>		ATTORNEY (if known)

**Origin code and track designation**

Place an x in one box only:

<input type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)
---	---

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
F17	Civil Rights	(A)	(X) Yes ( ) No

Following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**  
(Attach additional sheets as necessary)

Documented medical expenses to date:

1. Total hospital expenses .....	\$ .....
2. Total Doctor expenses .....	\$ .....
3. Total chiropractic expenses .....	\$ .....
4. Total physical therapy expenses .....	\$ .....
5. Total other expenses (describe) .....	\$ .....
<b>Subtotal</b>	<b>\$ .....</b>

Documented lost wages and compensation to date .....

Documented property damages to date .....

Reasonably anticipated future medical and hospital expenses .....

Reasonably anticipated lost wages .....

Other documented items of damages (describe) .....

\$ .....

Brief description of plaintiff's injury, including nature and extent of injury (describe)  
**The Defendants wrongfully disseminated Plaintiff's criminal offender records information in violation of his civil rights, causing the Plaintiff to lose his employment, and causing him severe emotional distress.**

	\$ 150,000 .....
<b>TOTAL</b>	<b>\$ 150,000 .....</b>

**CONTRACT CLAIMS**  
(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

**TOTAL \$ .....**

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record Matthew Zayotti DATE: 7/6/04



**Commonwealth of Massachusetts**

BARNSTABLE, ss.

SUPERIOR COURT  
No.04-401

Martin J. Galvin, Jr.

VS.

The Town of Yarmouth, Peter L. Carnes and Steven Xiarhos

COPY

**SUMMONS**

To the above-named defendant : Peter L. Carnes

You are hereby summoned and required to serve upon Matthew P. Zayotti  
Keegan, Werlin & Pabian plaintiff's attorney, whose address is  
265 Franklin Street, Boston, MA 02110, an answer to the  
complaint which is herewith served upon you, within 20 days after service of this summons upon you,  
exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint. You are also required to file your answer to the complaint in the office  
of the Clerk of this court at Barnstable either before service upon plaintiff's attorney or within a reasonable  
time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which  
you may have against the plaintiff which arises out of the transaction or occurrence that is the subject  
matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, **SUZANNE V. DEL VECCHIO** Esquire, at Barnstable, the 7th  
day of July, in the year of our Lord two thousand and Four

*Scott W. Nickerson* Clerk

**NOTE:** When more than one defendant is involved, the names of all defendants shall appear in the caption. If a  
separate summons is issued for each defendant, each should be addressed to the particular defendant.

**NOTICE TO DEFENDANT**

You need not appear personally in court to answer the complaint but if you claim to have a defense,  
either you or your attorney must serve a copy of your written answer within 20 days as specified  
herein and also file the original in the Clerk's office.

**Commonwealth of Massachusetts**

BARNSTABLE, ss.

SUPERIOR COURT  
No. 04-401

**COPY**

Martin J. Galvin, Jr.  
VS.

The Town of Yarmouth, Peter L. Carnes and Steven Xiarhos

**SUMMONS**

To the above-named defendant : Steven Xiarhos

You are hereby summoned and required to serve upon Matthew P. Zayotti  
Keegan, Werlin & Pabian plaintiff's attorney, whose address is  
265 Franklin Street, Boston, MA 02110, an answer to the  
complaint which is herewith served upon you, within 20 days after service of this summons upon you,  
exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint. You are also required to file your answer to the complaint in the office  
of the Clerk of this court at Barnstable either before service upon plaintiff's attorney or within a reasonable  
time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which  
you may have against the plaintiff which arises out of the transaction or occurrence that is the subject  
matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, SUZANNE V. DEL VECCHIO Esquire, at Barnstable, the 7th  
day of July, in the year of our Lord two thousand and Four

*Scott W. Nickerson* Clerk

**NOTE:** When more than one defendant is involved, the names of all defendants shall appear in the caption. If a  
separate summons is issued for each defendant, each should be addressed to the particular defendant.

**NOTICE TO DEFENDANT**

You need not appear personally in court to answer the complaint but if you claim to have a defense,  
either you or your attorney must serve a copy of your written answer within 20 days as specified  
herein and also file the original in the Clerk's office.

**COMMONWEALTH OF MASSACHUSETTS**

BARNSTABLE, SS

TRIAL COURT OF THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
Civil Action No.

**MARTIN J. GALVIN, JR., ED.D.,**

**Plaintiff,**

**vs.**

**THE TOWN OF YARMOUTH, PETER  
L. CARNES AND STEVEN XIARHOS,**

**Defendants.**

**COMPLAINT**

INTRODUCTION

1. In this action the Plaintiff Martin J. Galvin, Jr., Ed.D seeks to recover damages against the Defendants, Town of Yarmouth, Peter L. Carnes and Steven Xiarhos, for wrongful dissemination of Plaintiff's Criminal Offender Records Information ("CORI") in violation of Mass. Gen. L. ch. 6, § 172, violation of the Plaintiff's civil rights under Mass. Gen. L. ch. 12, §§ 11H and 11I, invasion of privacy in violation of Mass. Gen. L. ch. 214, § 1B, tortious interference with contractual relations and intentional and negligent infliction of emotional distress.

PARTIES

2. Plaintiff Martin J. Galvin, Jr. Ed.D. is an individual residing at 21 Coniston Avenue, Waterbury, Connecticut 06708.

3. The Defendant Town of Yarmouth is a municipal corporation located in Barnstable County, Massachusetts.

4. The Defendant Peter L. Carnes ("Carnes") is an individual and, at all times relevant, was the Chief of Police of the Yarmouth Police Department. Upon information and belief, Carnes resides in Barnstable County, Massachusetts:

5. The Defendant Steven G. Xiarhos ("Xiarhos") is an individual and, at all times relevant, was a Lieutenant in the Yarmouth Police Department. Upon information and belief, Xiarhos resides in Barnstable County, Massachusetts.

#### JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to Mass. Gen. L. ch. 212, § 4 which provides this Court general subject matter jurisdiction over all civil actions and pursuant to Mass. Gen. L. ch. 12, §§ 11H and 11I as this action involves a claims for violation of the Plaintiff's civil rights.

7. Venue is proper pursuant to Mass. Gen. L. ch. 223, § 1 because the Defendants have a usual place of business and or reside, and the conduct complained of occurred, in this county.

#### FACTS

8. On July 4, 2001, at approximately 8:00 p.m., Yarmouth Police Officers T. Hennessey and D. Dickey responded to the scene of a verbal altercation between off-duty Yarmouth Police Officer Lou Nickinello and Dr. Galvin.

9. Upon arriving at the scene, Officers Hennessey and Dickey took Dr. Galvin into protective custody for intoxication and for allegedly making threats to cause damage to property.



10. On July 5, 2001, at approximately 9:00 a.m., the Yarmouth Police Department released Dr. Galvin.

11. On Monday, July 9, 2001, Dr. Galvin returned to work in his position of employment with the Waterbury Public Schools, in Waterbury, Connecticut, as Principal of Wilby High School.

12. Shortly thereafter, Dr. Galvin received written notice from his employer by letter dated July 10, 2001, that the Yarmouth Police Department had reported the incident to his employer.

13. Dr. Galvin subsequently learned during his divorce proceedings that the Defendants had actually disseminated the Yarmouth Police report, which constitutes and includes criminal offender records information ("CORI"), to his employer.

14. Upon information and belief, the Yarmouth Police Department also disseminated the Police Report to Dr. Galvin's ex- wife, or her attorney, in connection with the divorce proceedings.

15. During the divorce proceedings, Dr. Galvin's ex-wife introduced the confidential report in the divorce proceedings in support of her claim that Dr. Galvin was responsible for the break-down of the marriage.

16. In so doing, Dr. Galvin's ex-wife provided Dr. Galvin with a copy of the confidential report, which included a fax cover sheet indicating that the Town of Yarmouth Chief of Police Peter L. Carnes and Lieutenant Steven G. Xiarhos had actually faxed the report to his employer.

17. As a result of the Police Report and the CORI contained therein, Dr. Galvin's ex-wife was able to obtain a far more favorable divorce decree with respect to the division of property and alimony than she would otherwise have been able to obtain.

18. The Police Report and the CORI contained therein influenced the Waterbury Public Schools to terminate Dr. Galvin as Principal of Wilby High School, and Dr. Galvin was subsequently reassigned to a position of employment in the Waterbury Adult Continuing Education department.

19. The attention in the media surrounding Dr. Galvin's termination, which was widely reported both in local newspapers and on television, caused Dr. Galvin to experience severe emotional distress, including but not limited to embarrassment, depression, anguish, shame, and loss of sleep.

COUNT I  
(Wrongful Dissemination of CORI)

20. Plaintiff repeats the allegations contained in paragraphs 1 through 19 of this complaint as if fully set forth herein.

21. Pursuant to Mass. Gen. L. ch. 6, § 172, the CORI may be disseminated "only to (a) criminal justice agencies; (b) such other agencies and individuals required to have access to such information by statute . . .; and (c) any other agencies and individuals where it has been determined [by the criminal history systems board (board), that the public interest in disseminating such information to these parties clearly outweighs the interest in security and privacy."

22. Pursuant to Mass. Gen. L. ch. 6, § 167, CORI is defined as "records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an

arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.”

23. In disseminating the Police Report and the information contained therein, the Defendants disseminated CORI in violation of Mass. Gen. L. ch. 6, § 172.

24. As a result of Defendants’ actions, the Plaintiff suffered damages.

COUNT II  
(Mass. Gen. L. ch. 12, §§ 11H and 11I)

25. The Plaintiff repeats the allegations contained in paragraphs 1 through 24 of this complaint as if fully set forth herein.

26. The Defendants have interfered with and attempted to interfere with the exercise or enjoyment by the Plaintiff of rights secured by the Constitution and laws of the United States, and of rights secured by the Declaration of Rights and laws of the Commonwealth of Massachusetts by means of threats, intimidation or coercion.

27. As a result of the Defendants’ actions, the Plaintiff suffered damages.

COUNT III  
(Invasion of Privacy)

28. The Plaintiff repeats the allegations contained in paragraphs 1 through 27 of this complaint as if fully set forth herein.

29. Pursuant to Mass. Gen. L. ch. 214, § 1B, the Plaintiff had a “right against unreasonable, substantial or serious interference with his privacy.”

30. The Defendants’ dissemination of the Police Report and the information contained therein constituted an unreasonable, substantial or serious interference with Plaintiff’s privacy in violation of Mass. Gen. L. ch. 214, § 1B.

31. As a result of Defendants’ conduct, the Plaintiff has suffered damages.

COUNT IV  
(Tortious Interference with Contractual Relations)

32. The Plaintiff repeats the allegations contained in paragraphs 1 through 31 of this complaint as if fully set forth herein.

33. The Plaintiff had existing contractual relations with his employer the Water Public Schools.

34. The Defendants knew or should have known of the contractual relations between the Plaintiff and his employer.

35. The Defendants intentionally and improperly interfered with Plaintiff's contractual relations with his employer.

36. As a direct result of the Defendants' interference with Plaintiff's contractual relations with his employer, the Plaintiff suffered damages, humiliation and severe emotional distress.

COUNT V  
(Intentional Infliction of Emotional Distress)

37. The Plaintiff repeats the allegations contained in paragraphs 1 through 36 of this complaint as if fully set forth herein.

38. By the acts described above, Defendants intended to inflict emotional distress upon the Plaintiff or should have known that emotional distress was the likely result of their conduct.

39. Such conduct on the part of Defendants constitutes extreme and outrageous conduct which resulted in severe emotional distress to the Plaintiff.

40. The Defendants' actions were the cause of Plaintiff's emotional distress.

COUNT VI  
(Negligent Infliction of Emotional Distress)

41. The Plaintiff repeats the allegations contained in paragraphs 1 through 40 of this complaint as if fully set forth herein.

42. By the acts described above, the Defendants negligently inflicted emotional distress upon the Plaintiff.

43. Such conduct on the part of the Defendants was the cause of Plaintiff's emotional distress.

44. The emotional distress to the Plaintiff was the foreseeable result of the Defendants' conduct, and a reasonable person in similar circumstances would have suffered severe emotional distress as a result of Defendants' actions.

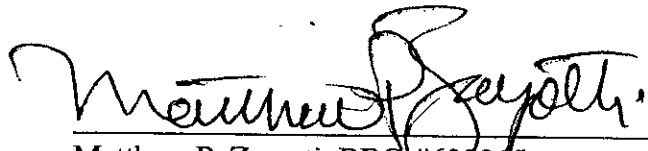
WHEREFORE, the Plaintiff prays that this Court:

1. Enter judgment in favor of the Plaintiff in an amount to be determined after trial, including an award of damages, punitive and exemplary damages, interest, costs and reasonable attorneys' fees; and
2. Enter judgment in favor of the Plaintiff for such other and further relief as this Court deems just and proper.

THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO  
TRIABLE.

MARTIN J. GALVIN, JR., ED.D.

By his attorney,

A handwritten signature in black ink, appearing to read "Matthew P. Zayotti", written over a horizontal line.

Matthew P. Zayotti, BBO #638265  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, Massachusetts 02110-3113  
(617) 951-1400

Dated: July 6, 2004

Exhibit B

## SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Town Clerk or Treasurer  
 Yarmouth Town Hall  
 1146 Route 28  
 South Yarmouth, MA  
 02604-4492

## 2. Article Number

(Transfer from service label)

7001 1940 0004 9550 0140

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

James Strain

☐ Agent☐ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

8/22/07

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Enter "E" for Yes)

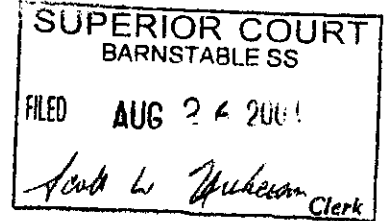
☐ Yes



**Commonwealth of Massachusetts**

BARNSTABLE, ss.

#2  
SUPERIOR COURT  
No.04-401



Martin J. Galvin, Jr.

VS.

The Town of Yarmouth, Peter L. Carnes and Steven Xiarhos

**SUMMONS**

To the above-named defendant : Peter L. Carnes

You are hereby summoned and required to serve upon Matthew P. Zayotti  
Keegan, Werlin & Pabian plaintiff's attorney, whose address is  
265 Franklin Street, Boston, MA 02110, an answer to the  
complaint which is herewith served upon you, within 20 days after service of this summons upon you,  
exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
relief demanded in the complaint. You are also required to file your answer to the complaint in the office  
of the Clerk of this court at Barnstable either before service upon plaintiff's attorney or within a reasonable  
time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which  
you may have against the plaintiff which arises out of the transaction or occurrence that is the subject  
matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, SUZANNE V. DEL VECCHIO Esquire, at Barnstable, the 7th  
day of July, in the year of our Lord two thousand and Four

Scott W. Vickerson Clerk

**NOTE:** When more than one defendant is involved, the names of all defendants shall appear in the caption. If a  
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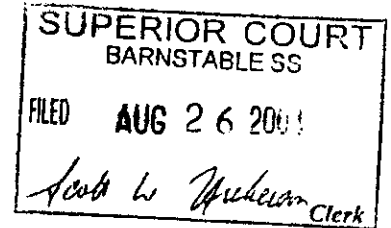
**NOTICE TO DEFENDANT**

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**Commonwealth of Massachusetts**

BARNSTABLE, ss.

SUPERIOR COURT  
No. 04-401



Martin J. Galvin, Jr.  
VS.

The Town of Yarmouth, Peter L. Carnes and Steven Xiarhos

**SUMMONS**

To the above-named defendant : Steven Xiarhos

You are hereby summoned and required to serve upon Matthew P. Zayotti  
Keegan, Werlin & Pabian plaintiff's attorney, whose address is  
265 Franklin Street, Boston, MA 02110, an answer to the  
complaint which is herewith served upon you, within 20 days after service of this summons upon you,  
exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
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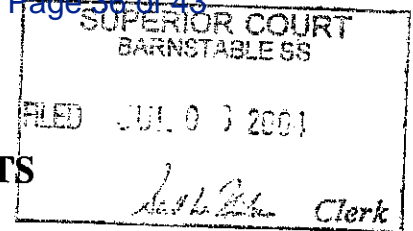
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herein and also file the original in the Clerk's office.

<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S) <b>04-401</b>	<b>Trial Court of Massachusetts Superior Court Department</b> County: _____
PLAINTIFF(S) <b>Martin J. Galvin</b>		DEFENDANT(S) <b>Town of Yarmouth, Peter E. Carnes, and Steven Xiarhos</b>
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <b>Matthew P. Zayotti, KWP, LLP</b> <b>265 Franklin St. (Tel.:617-951-1400)</b> <b>Boston, MA 02110 38265</b>		ATTORNEY (if known) <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED JUL 06 2004</b>  <i>Law Clerk</i> </div>
<b>Origin code and track designation</b>		
Place an x in one box only:		
<input checked="" type="checkbox"/> 1. F01 Original Complaint		
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)		
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)		
<input type="checkbox"/> 4. F04 District Court Appeal c.231, s.97 &104 (After trial) (X)		
<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)		
<input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
<b>TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)</b>		
CODE NO.	TYPE OF ACTION (specify)	TRACK IS THIS A JURY CASE?
<b>E17</b>	<b>Civil Rights</b>	(A ) (X ) Yes ( ) No
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
<b>TORT CLAIMS</b> (Attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses .....		\$ .....
2. Total Doctor expenses .....		\$ .....
3. Total chiropractic expenses .....		\$ .....
4. Total physical therapy expenses .....		\$ .....
5. Total other expenses (describe) .....		\$ .....
<b>Subtotal</b>		<b>\$ .....</b>
B. Documented lost wages and compensation to date .....		
C. Documented property damages to date .....		
D. Reasonably anticipated future medical and hospital expenses .....		
E. Reasonably anticipated lost wages .....		
F. Other documented items of damages (describe) .....		
<b>\$ .....</b>		
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) <b>The Defendants wrongfully disseminated Plaintiff's criminal offender records information in violation of his civil rights, causing the Plaintiff to lose his employment, and causing him severe emotional distress.</b>		
<b>\$ 150,000 .....</b>		<b>TOTAL \$ 150,000 .....</b>
<b>CONTRACT CLAIMS</b> (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		
<b>TOTAL \$ .....</b>		
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."		
Signature of Attorney of Record <i>Matthew P. Zayotti</i>		DATE: <b>7/6/04</b>



**COMMONWEALTH OF MASSACHUSETTS**

BARNSTABLE, SS

TRIAL COURT OF THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
Civil Action No.

04-401

**MARTIN J. GALVIN, JR., ED.D.,**

**Plaintiff,**

**vs.**

**THE TOWN OF YARMOUTH, PETER  
L. CARNES AND STEVEN XIARHOS,**

**Defendants.**

2539A000007/07/04CIVIL ENTR 240.00  
2539A000007/07/04SURCHARGE 15.00  
2539A000007/07/04FEC 20.00  
2539A000007/07/04SUMMONS 15.00

**COMPLAINT**

INTRODUCTION

1. In this action the Plaintiff Martin J. Galvin, Jr., Ed.D seeks to recover damages against the Defendants, Town of Yarmouth, Peter L. Carnes and Steven Xiarhos, for wrongful dissemination of Plaintiff's Criminal Offender Records Information ("CORI") in violation of Mass. Gen. L. ch. 6, § 172, violation of the Plaintiff's civil rights under Mass. Gen. L. ch. 12, §§ 11H and 11I, invasion of privacy in violation of Mass. Gen. L. ch. 214, § 1B, tortious interference with contractual relations and intentional and negligent infliction of emotional distress.

PARTIES

2. Plaintiff Martin J. Galvin, Jr. Ed.D. is an individual residing at 21 Coniston Avenue, Waterbury, Connecticut 06708.

3. The Defendant Town of Yarmouth is a municipal corporation located in Barnstable County, Massachusetts.

4. The Defendant Peter L. Carnes ("Carnes") is an individual and, at all times relevant, was the Chief of Police of the Yarmouth Police Department. Upon information and belief, Carnes resides in Barnstable County, Massachusetts.

5. The Defendant Steven G. Xiarhos ("Xiarhos") is an individual and, at all times relevant, was a Lieutenant in the Yarmouth Police Department. Upon information and belief, Xiarhos resides in Barnstable County, Massachusetts.

#### JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to Mass. Gen. L. ch. 212, § 4 which provides this Court general subject matter jurisdiction over all civil actions and pursuant to Mass. Gen. L. ch. 12, §§ 11H and 11I as this action involves a claims for violation of the Plaintiff's civil rights.

7. Venue is proper pursuant to Mass. Gen. L. ch. 223, § 1 because the Defendants have a usual place of business and or reside, and the conduct complained of occurred, in this county.

#### FACTS

8. On July 4, 2001, at approximately 8:00 p.m., Yarmouth Police Officers T. Hennessey and D. Dickey responded to the scene of a verbal altercation between off-duty Yarmouth Police Officer Lou Nickinello and Dr. Galvin.

9. Upon arriving at the scene, Officers Hennessey and Dickey took Dr. Galvin into protective custody for intoxication and for allegedly making threats to cause damage to property.

10. On July 5, 2001, at approximately 9:00 a.m., the Yarmouth Police Department released Dr. Galvin.

11. On Monday, July 9, 2001, Dr. Galvin returned to work in his position of employment with the Waterbury Public Schools, in Waterbury, Connecticut, as Principal of Wilby High School.

12. Shortly thereafter, Dr. Galvin received written notice from his employer by letter dated July 10, 2001, that the Yarmouth Police Department had reported the incident to his employer.

13. Dr. Galvin subsequently learned during his divorce proceedings that the Defendants had actually disseminated the Yarmouth Police report, which constitutes and includes criminal offender records information ("CORI"), to his employer.

14. Upon information and belief, the Yarmouth Police Department also disseminated the Police Report to Dr. Galvin's ex- wife, or her attorney, in connection with the divorce proceedings.

15. During the divorce proceedings, Dr. Galvin's ex-wife introduced the confidential report in the divorce proceedings in support of her claim that Dr. Galvin was responsible for the break-down of the marriage.

16. In so doing, Dr. Galvin's ex-wife provided Dr. Galvin with a copy of the confidential report, which included a fax cover sheet indicating that the Town of Yarmouth Chief of Police Peter L. Carnes and Lieutenant Steven G. Xiarhos had actually faxed the report to his employer.

17. As a result of the Police Report and the CORI contained therein, Dr. Galvin's ex-wife was able to obtain a far more favorable divorce decree with respect to the division of property and alimony than she would otherwise have been able to obtain.

18. The Police Report and the CORI contained therein influenced the Waterbury Public Schools to terminate Dr. Galvin as Principal of Wilby High School, and Dr. Galvin was subsequently reassigned to a position of employment in the Waterbury Adult Continuing Education department.

19. The attention in the media surrounding Dr. Galvin's termination, which was widely reported both in local newspapers and on television, caused Dr. Galvin to experience severe emotional distress, including but not limited to embarrassment, depression, anguish, shame, and loss of sleep.

COUNT I  
(Wrongful Dissemination of CORI)

20. Plaintiff repeats the allegations contained in paragraphs 1 through 19 of this complaint as if fully set forth herein.

21. Pursuant to Mass. Gen. L. ch. 6, § 172, the CORI may be disseminated "only to (a) criminal justice agencies; (b) such other agencies and individuals required to have access to such information by statute . . . ; and (c) any other agencies and individuals where it has been determined [by the criminal history systems board (board), that the public interest in disseminating such information to these parties clearly outweighs the interest in security and privacy."

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arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release.”

23. In disseminating the Police Report and the information contained therein, the Defendants disseminated CORI in violation of Mass. Gen. L. ch. 6, § 172.

24. As a result of Defendants’ actions, the Plaintiff suffered damages.

COUNT II  
(Mass. Gen. L. ch. 12, §§ 11H and 11I)

25. The Plaintiff repeats the allegations contained in paragraphs 1 through 24 of this complaint as if fully set forth herein.

26. The Defendants have interfered with and attempted to interfere with the exercise or enjoyment by the Plaintiff of rights secured by the Constitution and laws of the United States, and of rights secured by the Declaration of Rights and laws of the Commonwealth of Massachusetts by means of threats, intimidation or coercion.

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COUNT III  
(Invasion of Privacy)

28. The Plaintiff repeats the allegations contained in paragraphs 1 through 27 of this complaint as if fully set forth herein.

29. Pursuant to Mass. Gen. L. ch. 214, § 1B, the Plaintiff had a “right against unreasonable, substantial or serious interference with his privacy.”

30. The Defendants’ dissemination of the Police Report and the information contained therein constituted an unreasonable, substantial or serious interference with Plaintiff’s privacy in violation of Mass. Gen. L. ch. 214, § 1B.

31. As a result of Defendants’ conduct, the Plaintiff has suffered damages.



COUNT IV  
(Tortious Interference with Contractual Relations)

32. The Plaintiff repeats the allegations contained in paragraphs 1 through 31 of this complaint as if fully set forth herein.

33. The Plaintiff had existing contractual relations with his employer the Water Public Schools.

34. The Defendants knew or should have known of the contractual relations between the Plaintiff and his employer.

35. The Defendants intentionally and improperly interfered with Plaintiff's contractual relations with his employer.

36. As a direct result of the Defendants' interference with Plaintiff's contractual relations with his employer, the Plaintiff suffered damages, humiliation and severe emotional distress.

COUNT V  
(Intentional Infliction of Emotional Distress)

37. The Plaintiff repeats the allegations contained in paragraphs 1 through 36 of this complaint as if fully set forth herein.

38. By the acts described above, Defendants intended to inflict emotional distress upon the Plaintiff or should have known that emotional distress was the likely result of their conduct.

39. Such conduct on the part of Defendants constitutes extreme and outrageous conduct which resulted in severe emotional distress to the Plaintiff.

40. The Defendants' actions were the cause of Plaintiff's emotional distress.

COUNT VI  
(Negligent Infliction of Emotional Distress)

41. The Plaintiff repeats the allegations contained in paragraphs 1 through 40 of this complaint as if fully set forth herein.

42. By the acts described above, the Defendants negligently inflicted emotional distress upon the Plaintiff.

43. Such conduct on the part of the Defendants was the cause of Plaintiff's emotional distress.

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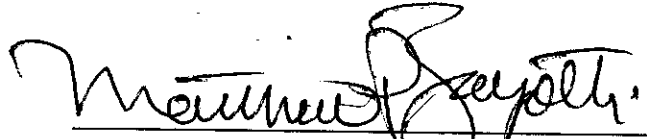
WHEREFORE, the Plaintiff prays that this Court:

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2. Enter judgment in favor of the Plaintiff for such other and further relief as this Court deems just and proper.

THE PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO  
TRIABLE.

MARTIN J. GALVIN, JR., ED.D.

By his attorney,

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Matthew P. Zayotti, BBO #638265  
Keegan, Werlin & Pabian, LLP  
265 Franklin Street  
Boston, Massachusetts 02110-3113  
(617) 951-1400

Dated: July 6, 2004